

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
BOARD APPOINTMENT SUMMARY

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Meeting Date: August 13, 2013
Department: Planning, Zoning & Building Department
Submitted By: Building Division
Advisory Board Name: Building Code Advisory Board
=====

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to approve: Appointment of one (1) new member to the Building Code Advisory Board for a term of three (3) years.

<u>Nominee</u>	<u>Seat</u>	<u>Requirement</u>	<u>Nominated By</u>	<u>Term</u>
A. Thomas Hogarth	11	Professional Engineer	Florida Engineering Society	08/13/2013-08/12/2016

Summary: The Building Code Advisory Board was established by a Special Act of the Florida Legislature in 1974, and amended in 2001. The term of office for Board members is 3 years with no limit to the number of terms a member may serve. The Palm Beach Chapter of Florida Engineering Society has nominated A. Thomas Hogarth to fill a vacated seat. The Board is comprised of 16 members: composed of 7 Building Officials, 1 from each commission election district; 7 members appointed from nominees submitted by the Construction Industry Management Council of Palm Beach County; 1 registered architect appointed from nominees submitted by the Palm Beach Chapter of the American Institute of Architects; and 1 professional engineer appointed from nominees submitted by the Palm Beach Chapter of the Florida Engineering Society. Countywide (SF)

Background and Justification: The Building Code Advisory Board is authorized to advise local governments regarding adoption of administrative or technical amendments to the Florida Building Code based on local conditions. Advise local governments how construction code enforcement can be improved and standardized. Advise local governments on evaluation of new and innovative materials, products, systems, or methods of construction for compliance with the Florida Building Code, and any amendments or revisions thereto. Act as the countywide compliance review board pursuant to Section 553.73(4)(b)7, Florida Statutes, notwithstanding the requirements contained therein to establish such review board by interlocal agreement. The Board shall have the authority to evaluate new or existing products or systems in accordance with Section 553.842, Florida Statutes, and the Florida Building Commission's rules adopted thereunder. Recommendations and compliance reports of the Board concerning new and existing products or systems shall be advisory in nature for the municipalities within Palm Beach County, and shall not form the basis of a local or statewide approval pursuant to Section 553.842, Florida Statutes.

This advisory committee membership has 16 seats, 14 currently filled and 2 vacancies and a diversity count of White: 14 (100.00%) The gender ratio (male:female) is 14:0.

- Attachments:**
1. Board Application
 2. Resume
 3. Letter of Recommendation
 4. Special Act

Recommended By: [Signature] Department Director 7/8/13 Date

Legal Sufficiency: [Signature] Assistant County Attorney 7/15/13 Date

II. REVIEW COMMENTS

A. Other Department Review:

Department Director

Date

REVISED 06/92
ADM FORM 03
(THIS SUMMARY IS NOT TO BE USED AS A BASIS FOR PAYMENT.)

**PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
BOARDS/COMMITTEES APPLICATION**

The information provided on this form will be used by County Commissioners and/or the entire Board in considering your nomination. This form **MUST BE COMPLETED IN FULL**. Answer "none" or "not applicable" where appropriate. **Further, please attach a biography or resumé to this form.**

Section I (Department): (Please Print)

Board Name: Building Code Advisory Board Advisory Not Advisory

At Large Appointment or District Appointment /District #: _____

Term of Appointment: 3 Years. From: 8/13/2013 To: 8/12/2016

Seat Requirement: Professional Engineers Seat #: 11

*Reappointment or New Appointment

or to complete the term of _____ Due to: resignation other
Completion of term to expire on: _____

*When a person is being considered for reappointment, the number of previous disclosed voting conflicts during the previous term shall be considered by the Board of County Commissioners: _____

Section II (Applicant): (Please Print)

APPLICANT, UNLESS EXEMPTED, MUST BE A COUNTY RESIDENT

Name: HOGARTH A THOMAS
Last First Middle

Occupation/Affiliation: DIRECTOR OF BUILDING CODE SERVICES, PALM BEACH COUNTY SCHOOL DISTRICT
Owner Employee Officer

Business Name: PALM BEACH COUNTY SCHOOL DISTRICT

Business Address: 3661 INTERSTATE PARK ROAD NORTH SUITE 200
City & State: RIYIERA BEACH, FL Zip Code: 33404

Residence Address: 432 ANCHORAGE LANE
City & State: NORTH PALM BEACH, FL Zip Code: 33408

Home Phone: (561) 301-0193 Business Phone: (561) 383-2028 Ext.

Cell Phone: (561) 719-7852 Fax: ()

Email Address: THOMAS.HOGARTH@PALMBEACHSCHOOLS.ORG

Mailing Address Preference: Business Residence

Have you ever been convicted of a felony: Yes _____ No

If Yes, state the court, nature of offense, disposition of case and date: _____

Minority Identification Code: Male Female
 Native-American Hispanic-American Asian-American African-American Caucasian

Section II Continued:

CONTRACTUAL RELATIONSHIPS: Pursuant to Article XIII, Sec. 2-443 of the Palm Beach County Code of Ethics, advisory board members are prohibited from entering into any contract or other transaction for goods or services with Palm Beach County. Exceptions to this prohibition include awards made under sealed competitive bids, certain emergency and sole source purchases, and transactions that do not exceed \$500 per year in aggregate. These exemptions are described in the Code. This prohibition does not apply when the advisory board member's board provides no regulation, oversight, management, or policy-setting recommendations regarding the subject contract or transaction and the contract or transaction is disclosed at a public meeting of the Board of County Commissioners. **To determine compliance with this provision, it is necessary that you, as a board member applicant, identify all contractual relationships between Palm Beach County government and you as an individual, directly or indirectly, or your employer or business.** This information should be provided in the space below. If there are no contracts or transactions to report, please verify that none exist. Staff will review this information and determine if you are eligible to serve or if you may be eligible for an exception or waiver pursuant to the code.

<u>Contract/Transaction No.</u>	<u>Department/Division</u>	<u>Description of Services</u>	<u>Term</u>
Ex: (R#XX-XXXX/PO XXX)	Parks & Recreation	General Maintenance	10/01/11-09/30/12
_____	_____	_____	_____
_____	_____	_____	_____

(Attach Additional Sheet(s), if necessary)

OR NONE

All board members are required to read and complete training on Article XIII, the Palm Beach County Code of Ethics, and read the Guide to the Sunshine Amendment prior to appointment/reappointment. Article XIII, and the training requirement can be found on the web at: <http://www.palmbeachcountyethics.com/training.htm>. Keep in mind this requirement is on-going.

By signing below I acknowledge that I have read, understand, and agree to abide by Article XIII, the Palm Beach County Code of Ethics, and I have received the required Ethics training (in the manner checked below):

- By watching the training program on the Web, DVD or VHS
- By attending a live presentation given on _____, 20____

AND

By signing below I acknowledge that I have read, understand and agree to abide by the Guide to the Sunshine Amendment & State of Florida Code of Ethics:

*Applicant's Signature: Tom J. H. Printed Name: A THOMAS HOGARTH Date: 6/17/13

Any questions and/or concerns regarding Article XIII, the Palm Beach County Code of Ethics, please visit the Commission on Ethics website www.palmbeachcountyethics.com or contact us via email at ethics@palmbeachcountyethics.com or (561) 233-0724.

Return this FORM to:
Vickie Day, Palm Beach County Planning, Zoning and Building
Building Division 2300 North Jog Road, West Palm Beach, Florida 33411

Section III (Commissioner, if applicable):

Appointment to be made at BCC Meeting on: _____

Commissioner's Signature: _____ Date: _____

A. THOMAS HOGARTH, P.E., CBO
432 ANCHORAGE LANE
NORTH PALM BEACH, FLORIDA 33408
Phone (561) 383-2028

Thirty years of progressive and highly responsible administrative, engineer and managerial positions with a broad range of experience and assignments including government, consulting and construction management.

EMPLOYMENT HISTORY

2002 to Present - Building Department Director, Palm Beach County School District.

Department Head and Building Official reporting to the Chief of Support Operations. Responsible for the operation of the School District Building Department and enforcement of the Florida Building Code and Florida Fire Prevention Code in conducting plan review, permitting and inspections of new school facility construction, renovation and remodeling. Also acts as Chief Fire Safety Inspector responsible for annual inspections of 170 existing educational facilities as required by the State Fire Marshal. Supervises a staff of 26, including 6 plan reviewers, 9 building inspectors and 5 fire safety inspectors with full hire/fire responsibilities. Responsible for the development and enforcement of the District Design Standards for school facilities.

1994 to 2002 - Director of Public Services/Building Official, Village of North Palm Beach, Florida

Department Head reporting to the Village Manager and responsible for the operation of a technical and administrative municipal department including Building, Planning, Zoning, Sanitation, Facility Maintenance, Vehicle Maintenance, Parks, Streets, Occupational Licensing and Code Enforcement divisions.

1991 to 1993 - Engineer, City of Margate, Florida

A technical and administrative position in operating all aspects of the municipal Engineering and Utility Departments.

1990 to 1991 - Engineer, Cooper Consulting Engineers, Inc., Deerfield Beach, Florida

1987 to 1989 - Construction Project Manger, Adler Group, Inc., Miami, Florida

1985 to 1987 - Project Manger/Estimator, Roma Construction, Inc., Hollywood, Florida

EDUCATION

Georgia Institute of Technology, Atlanta, Georgia

B.S. in Civil Engineering, 1981

University of Miami, Leadership and Management Executive Education Program, 2007 - 2008

PROFESSIONAL CERTIFICATIONS AND ASSOCIATIONS

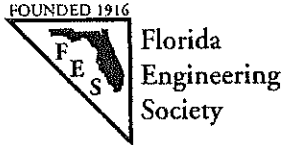
Professional Engineer, Florida

Building Code Administrator, Building Inspector and Plans

Firesafety Inspector, Florida

Building Officials Association of Palm Beach County, (President - 2001)

Palm Beach County Construction Industry Licensing Board, (1996 to 2002, reappointed 2010 to present, Chair - 2002 and 2013)



**PALM BEACH
CHAPTER**

FES supports engineering education, advocates licensure, promotes the ethical and competent practice of engineering and enhances the image and well-being of all engineers in the state of Florida.

James W. Richie, PE, President
Florida Engineering Society
Palm Beach Chapter
c/o Wantman Group, Inc.
2035 Vista Pkwy 100
West Palm Beach, FL 33411

June 6, 2013

Mr. Richard Gathright, Interim Building Official
Department of Planning, Zoning & Building
Palm Beach County
2300 N Jog Rd
West Palm Beach, FL 33411

Re: Appointment to the Building Code Advisory Board (BCAB)
Seat #11, Engineer, Appointed by the Florida Engineering Society

Dear Mr. Gathright,

The Palm Beach Chapter of the Florida Engineering Society hereby recommends Mr. A. Thomas Hogarth, PE, for appointment to seat #11 of the BCAB.

Sincerely,

James W. Richie, PE

President Jimmy Richie, PE 561-687-2220 president@pbfes.org	Vice President Bonnie McLeod, PE 561-655-6175 vicepresident@pbfes.org	Treasurer Krystin Berntsen, PE 561-493-6027 treasurer@pbfes.org	Secretary Arnoldo Artiles, PE 561-840-0810 secretary@pbfes.org	Past President Joanne Keller, PE 561-684-4090 pastpresident@pbfes.org	State Director Karen Brandon, PE 561-684-3375 statedirector@pbfes.org
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By Representative Bucher

1 A bill to be entitled
2 An act relating to Palm Beach County; amending
3 chapter 90-445, Laws of Florida, as amended;
4 providing for the uniform implementation,
5 interpretation, and enforcement of building
6 code requirements pursuant to the Florida
7 Building Code; providing and amending
8 definitions; providing for enforcement;
9 providing for repeal of conflicting laws;
10 providing for interpretation of codes and
11 revision; deleting provisions relating to
12 appointments; providing for authority for
13 building code amendments; providing for
14 amending provisions for product and system
15 evaluation, including application fees and
16 revocation and renewal of product and system
17 compliance; providing severability; providing
18 an effective date.

19
20 Be It Enacted by the Legislature of the State of Florida:

21
22 Section 1. Chapter 90-445, Laws of Florida, is amended
23 to read:

24 Section 1. Purpose.--As provided in section 553.80(1),
25 Florida Statutes, each local government and each legally
26 constituted enforcement district with statutory authority
27 shall regulate building construction and, where authorized in
28 the state agency's enabling legislation, each state agency
29 shall enforce the Florida Building Code, as revised or amended
30 by the state or applicable local government, required on all
31 public or private buildings, structures, and facilities unless

1 such responsibility has been delegated to another unit of
2 government pursuant to section 553.79(9), Florida Statutes.
3 The purpose of this act is to provide for a system to advise
4 the Palm Beach County Board of County Commissioners and local
5 governments regarding the uniform implementation,
6 interpretation, and enforcement of the Florida Building Code.
7 ~~Authority.--The board of county commissioners shall have the~~
8 ~~power to adopt, for all municipalities and unincorporated~~
9 ~~areas of Palm Beach County, more recent editions and revisions~~
10 ~~of the Standard Building, Gas, Mechanical, and Plumbing Codes,~~
11 ~~as promulgated by the Southern Building Code Congress~~
12 ~~International, in addition to the National Electrical Code, as~~
13 ~~promulgated by the National Fire Protection Association.~~
14 ~~These codes shall be adopted by ordinance, based on the advice~~
15 ~~of the Building Code Advisory Board of Palm Beach County.~~

16 Section 2. Definitions.--As used in this act:

17 (1) "Amendment" means modified requirements to the
18 Florida Building Code ~~model building codes~~ which are adopted
19 by ordinance by any unit of local government pursuant to
20 section 553.73, Florida Statutes.

21 (2) "Board" means the Building Code Advisory Board of
22 Palm Beach County, unless otherwise specified.

23 (3) "Building official" means an individual charged
24 with the administration and enforcement of the Florida
25 Building Code ~~several codes adopted pursuant to section 1,~~ who
26 is a full-time employee of a municipality or the county, in
27 the respective election district in which the jurisdiction is
28 situated.

29 (4) "Design professional" means an architect or
30 engineer so registered in the State of Florida.

31

1 (5) "Florida Building Code" means the code adopted by
2 the Florida Building Commission pursuant to section
3 553.73(1) (a), Florida Statutes~~"Model codes" means the~~
4 ~~Standard Building, Gas, Mechanical, and Plumbing Codes~~
5 ~~published by the Southern Building Code Congress International~~
6 ~~and the National Electrical Code published by the National~~
7 ~~Fire Protection Association.~~

8 (6) "Revisions" means any modifications to the Florida
9 Building Code ~~model codes~~ as published by the Florida Building
10 Commission ~~applicable code promulgating organization.~~

11 ~~(7) "Service system" means an electrical, gas,~~
12 ~~mechanical, plumbing, or other system which provides service~~
13 ~~to a building, structure, or facility and is regulated by the~~
14 ~~model codes and any amendments or revisions thereto.~~

15 ~~(7)(8)~~ "Unit of local government" means any one of the
16 municipal governing bodies in Palm Beach County or the Board
17 of County Commissioners of Palm Beach County.

18 Section 3. Enforcement.--Enforcement of the Florida
19 Building Code ~~model codes~~ adopted pursuant to section ~~1~~, and
20 any amendments or revisions thereto, shall be the
21 responsibility of each unit of local government. A unit of
22 local government may provide these services through an
23 interlocal agreement with the county or local government, as
24 provided by section 553.79(9), Florida Statutes law.

25 ~~Section 4. Code enforcement personnel~~
26 ~~qualifications.--For the purposes of permit review and~~
27 ~~inspection, qualified plans examiners and inspectors, whose~~
28 ~~competency shall be determined by each unit of local~~
29 ~~government, shall be employed and charged with the~~
30 ~~responsibility of enforcing this act.~~

31

1 ~~Section 5. Violations. No building, structure, or~~
2 ~~service system shall be erected or installed within Palm Beach~~
3 ~~County in violation of the requirements of the model codes~~
4 ~~adopted pursuant to section 1 or any amendments or revisions~~
5 ~~thereto, except that state buildings are exempt from~~
6 ~~compliance with such model codes.~~

7 Section 4.6- Repeal of laws in conflict.--Any laws,
8 ordinances, or resolutions now in existence in the
9 unincorporated areas of Palm Beach County or in any
10 municipality in Palm Beach County in conflict with this act
11 are hereby repealed.

12 ~~Section 7. Enactment of lower standards.--No unit of~~
13 ~~local government shall enact any law lowering the standards of~~
14 ~~the model codes adopted pursuant to section 1. However, each~~
15 ~~unit of local government may adopt ordinances providing~~
16 ~~amendments to modify or improve the model codes, provided such~~
17 ~~amendments are in compliance with s. 553.73, Florida Statutes.~~

18 ~~Section 8. Code available.--Each unit of local~~
19 ~~government shall have available for public inspection in its~~
20 ~~principal office three copies of the model codes, together~~
21 ~~with any amendments or revisions thereto. Amendments must be~~
22 ~~printed or otherwise suitably duplicated, and copies shall be~~
23 ~~available for sale at reasonable cost to the public.~~

24 Section 5.9- Interpretations.--In the event of a
25 dispute in the interpretation of the provisions of the Florida
26 Building Code ~~model codes~~, or any amendments or revisions
27 thereto, a building official, ~~plans examiner, inspector,~~
28 builder, contractor, owner, architect, or engineer may ask for
29 an opinion from the board's Code Interpretation Committee. The
30 Code Interpretation Committee shall be comprised of each of
31 the building official members of the board. ~~The request for~~

1 ~~interpretation must come by agreement of Both parties to the~~
2 ~~dispute~~ must agree to seeking the advisory interpretation from
3 the board. Said procedure ~~opinion~~ may be conducted by
4 telephone or other electronic means. A simple majority of the
5 committee shall sustain an interpretation. Each building
6 official member of the committee shall maintain a written
7 record of the date and parties to the dispute. The
8 interpretation shall not be binding upon the parties to the
9 dispute.

10 Section ~~6.10~~ Appointments.--

11 (1) The Board of County Commissioners of Palm Beach
12 County shall appoint the Building Code Advisory Board of Palm
13 Beach County and supply it with a meeting place, office
14 supplies including stationery, legal counsel, technical staff,
15 mechanical recording of its meetings, written transcripts of
16 the minutes of its meetings, secretarial service, and storage
17 space for its records. The board shall have 16 members,
18 composed of 7 building officials, 1 from each commission
19 election district, appointed from nominees submitted by the
20 Building Official's Association of Palm Beach County; 7
21 members appointed from nominees submitted by the Construction
22 Industry Management Council of Palm Beach County; 1 member who
23 shall be a registered architect appointed from nominees
24 submitted by the Palm Beach Chapter of the American Institute
25 of Architects; and 1 member who shall be a professional
26 engineer appointed from nominees submitted by the Palm Beach
27 Chapter of the Florida Engineering Society. ~~By January 1,~~
28 ~~1991, the Board of County Commissioners of Palm Beach County~~
29 ~~shall appoint the four new members, two for 1-year terms and~~
30 ~~two for 3-year terms. Thereafter, All appointments shall be~~
31 for a term of 3 years, and each member shall serve until his

1 or her successor is appointed. If a vacancy should occur
2 before a term has expired, the Board of County Commissioners
3 shall appoint a new member within 60 days to complete the
4 unexpired term.

5 (2) Members shall be required to attend all regular
6 and special meetings of the board. The chair ~~chairman~~ of the
7 board shall notify the Board of County Commissioners when a
8 member accumulates three consecutive absences from the regular
9 meetings or when a member fails to attend 50 percent of all
10 meetings of the board during any 12-month period. On such
11 notification, the member shall be removed by the Board of
12 County Commissioners, and the Board of County Commissioners
13 shall appoint a new member within 60 days to complete the
14 unexpired term. The board shall hold meetings open to the
15 public at least once in every calendar quarter, adopt rules
16 and procedures ~~procedure~~, and elect a chair ~~chairman~~ and vice
17 chair ~~chairman~~. A quorum of the board shall be 10 members,
18 with a concurring vote of 9 members required to approve any
19 action.

20 Section 7. Authority. ~~The purpose of the advisory~~
21 board is authorized to:

22 (1) Advise units of local governments regarding:

23 ~~(a) Future editions of the model codes and subsequent~~
24 ~~recommendation to the board of county commissioners concerning~~
25 ~~countywide adoption.~~

26 ~~(b) Recommendations on the adoption of administrative~~
27 ~~or technical amendments to the Florida Building Code model~~
28 ~~codes based on local conditions.~~

29 (2)(c) Advise local governments how construction code
30 enforcement can be improved and standardized.

31

1 (3)(d) Advise local governments how to prevent the
2 recurrence of disputes.

3 (4)(e) Advise local governments on evaluation of new
4 and innovative materials, products, systems, or methods of
5 construction for compliance with the Florida Building Code
6 ~~model codes adopted pursuant to section 1~~, and any amendments
7 or revisions thereto.

8 (5) Act as the countywide compliance review board,
9 pursuant to section 553.73(4)(b)7., Florida Statutes,
10 notwithstanding the requirements contained therein to
11 establish such review board by interlocal agreement.

12 Section ~~8.11~~. Product and system evaluation.--

13 (1) The board shall have the authority to evaluate
14 ~~ADMINISTRATION. Palm Beach County and each unit of local~~
15 ~~government within Palm Beach County shall have the option to~~
16 ~~direct inquiries concerning new or existing products or~~
17 ~~systems to the board. The board shall act as a clearing house~~
18 ~~for new or different products or systems, by evaluating them~~
19 ~~based on the current model codes and any amendments or~~
20 ~~revisions, being recommended for adoption by the board. The~~
21 ~~board is authorized to~~ may issue evaluation and compliance
22 reports for products and systems found to be in compliance, as
23 provided by policies established by the board. Recommendations
24 of the board concerning new products or systems shall be
25 advisory in nature.

26 (2) ~~STANDARDS.~~ The evaluation of new and innovative
27 materials, products, systems, or methods of construction shall
28 be based on the Florida Building Code ~~model codes adopted~~
29 ~~pursuant to section 1~~, and any amendments or revisions
30 thereto. The types of construction, materials, systems, or
31 methods of design referred to in the Florida Building Code

1 ~~model codes~~, and any amendments or revisions thereto, shall be
2 considered standards of performance, quality, and strength.
3 New or different types of construction, materials, or methods
4 of design shall be at least equal to these standards for the
5 corresponding use intended. For the purposes of determining
6 compliance, the product's quality, strength, effectiveness,
7 fire resistance, durability, safety, and control of
8 installation shall be guides for consideration.

9 (3) The board is authorized to establish policies and
10 procedures necessary to conduct evaluation efforts, such as,
11 but not limited to, applications, fees, renewals, and
12 revocations. ~~APPLICATION PROCEDURE.~~

13 ~~(a) Applications for evaluation and compliance~~
14 ~~determination shall be made in accordance with the policy and~~
15 ~~procedures established by the board. If the application is~~
16 ~~for a type of structure or system, the application shall be~~
17 ~~accompanied by plans prepared by a design professional,~~
18 ~~together with supporting engineering calculations supporting~~
19 ~~the design. Applications for components, materials, or~~
20 ~~devices shall be accompanied by drawings, tests, and~~
21 ~~calculations, prepared by an engineer registered in the State~~
22 ~~of Florida, or other proof supporting the design.~~

23 ~~(b)~~ The board may employ the use of consultants to
24 examine applications. A ~~The~~ consultant shall be a design
25 professional with specific qualifications in the particular
26 that area of product or system analysis for which he or she is
27 employed.

28 ~~(c)~~ The board may establish policies and procedures
29 for ~~the~~ processing and review of requests for evaluation and
30 compliance, including programs designed to monitor
31 manufacturing, fabrication, or performance. The board or its

1 designee may require calculations, tests, or opinions from
2 design professionals, nationally recognized testing
3 laboratories, or approved quality and assurance programs.

4 ~~(d) The data shall be analyzed and evaluated for~~
5 ~~meeting the applicable performance standards. After receiving~~
6 ~~an evaluation report, the board shall issue a written~~
7 ~~recommendation on the appropriateness of the product or system~~
8 ~~for use in Palm Beach County. All decisions or reports shall~~
9 ~~be forwarded to:~~

- 10 1. ~~The product control file.~~
11 2. ~~The applicant.~~
12 3. ~~The local building departments.~~

13
14 ~~The written recommendations of the board shall be advisory~~
15 ~~only. It is the responsibility of each applicant, contractor,~~
16 ~~or owner to submit individual permit applications for~~
17 ~~construction or installation to the appropriate unit of local~~
18 ~~government for specific approval or rejection.~~

19 ~~(4) FEES. A \$500 minimum initial application fee~~
20 ~~shall be paid by the applicant at the time of filing. In~~
21 ~~addition, the applicant shall be responsible for any cost the~~
22 ~~board may incur. Resubmissions after unfavorable~~
23 ~~recommendations shall not require an additional initial filing~~
24 ~~fee unless final action had been taken by the board. However,~~
25 ~~the applicant shall be required to pay any additional cost~~
26 ~~incurred by the board prior to final action.~~

27 ~~(5) DISPOSITION OF FEES AND EXPENSES. All moneys~~
28 ~~collected by the board shall be received, deposited, expended,~~
29 ~~and accounted for pursuant to law. The expenses of the~~
30 ~~advisory board, consulting fees, testing fees, and all other~~
31

1 ~~necessary and appropriate fees shall be paid by the board from~~
2 ~~the moneys collected.~~

3 ~~(6) DISAPPROVAL. Applications recommended for~~
4 ~~disapproval, during any phase of the review process, shall be~~
5 ~~returned to the applicant in writing, stating the reasons for~~
6 ~~the recommendation of disapproval.~~

7 ~~(7) REVOCATION.~~

8 ~~(a) At any time during the valid term of a compliance~~
9 ~~report, the recommendation may be revoked and become null and~~
10 ~~void for any of the following reasons:~~

11 ~~1. Nonconformance with the model codes adopted~~
12 ~~pursuant to section 1, and any amendments or revisions~~
13 ~~thereto, or any subsequent updates to such standards which~~
14 ~~occur after the date of acceptance.~~

15 ~~2. Deviation from the design on which the~~
16 ~~recommendation of acceptance was based, due to change,~~
17 ~~omission, or substitution.~~

18 ~~3. Use of the product, components, system, or method~~
19 ~~not within the scope of the recommendation of acceptance.~~

20 ~~4. Unsatisfactory performance when subjected to actual~~
21 ~~conditions.~~

22 ~~5. Appearance of intolerable effects such as, but not~~
23 ~~limited to, toxicity when associated with other materials.~~

24 ~~(b) Notification of revocation shall be provided to~~
25 ~~all persons having received the recommendation of acceptance.~~
26 ~~Revocations based on subparagraph (a)1. or subparagraph (a)2.~~
27 ~~may be considered for reinstatement if the original applicant~~
28 ~~submits:~~

29 ~~1. Revised drawings, calculations, test reports, or~~
30 ~~other information to the satisfaction of the board.~~

31 ~~2. Payment of a \$50 review fee.~~

1 ~~3. Payment of additional costs incurred by the board.~~

2

3 ~~Submittals for revisions shall bear the revised date and shall~~
4 ~~be processed as a new application. Revised reports~~
5 ~~recommended for approval shall be identified to indicate the~~
6 ~~revised date; however, the submittal shall maintain the same~~
7 ~~expiration date.~~

8 ~~(8) RENEWAL. One year from the date of acceptance and~~
9 ~~every year thereafter, or upon the adoption of new codes,~~
10 ~~amendments, revisions, or standards, the board shall ask the~~
11 ~~original applicant whether he desires the evaluation and~~
12 ~~compliance report to be renewed. Failure of the applicant to~~
13 ~~respond within 30 days shall cause the report or approval to~~
14 ~~be automatically canceled. An applicant desiring the report~~
15 ~~or approval to be renewed shall submit a \$200 fee. The~~
16 ~~applicant shall also be responsible for any additional cost~~
17 ~~incurred by the board prior to final action.~~

18 Section 2. If any provision of this act or the
19 application thereof to any person or circumstance is held
20 invalid, the invalidity shall not affect other provisions or
21 applications of the act which can be given effect without the
22 invalid provision or application, and to this end the
23 provisions of this act are declared severable.

24 Section 3. This act shall take effect upon becoming a
25 law.

26

27

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31